



Betty Ireland  
Secretary of State

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305  
Telephone: 304-558-6000  
Toll Free: 866-SOS-VOTE  
www.wvsos.com

## LEGAL NOTICE

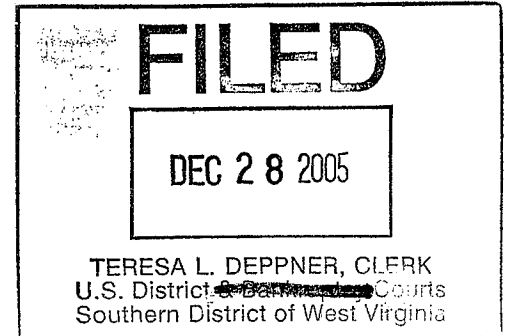
Teresa L. Deppner, Clerk  
United States District Court  
Southern District of West Virginia  
300 Virginia Street East #2400  
Charleston, WV 25301-2523

December 22, 2005

Civil Action: 2:05-0822

I am enclosing:

- |  |  |
|--|--|
| <input type="checkbox"/> summons                               | <input checked="" type="checkbox"/> 1 original         |
| <input type="checkbox"/> notice                                | <input type="checkbox"/> affidavit                     |
| <input type="checkbox"/> order                                 | <input type="checkbox"/> answer                        |
| <input type="checkbox"/> petition                              | <input type="checkbox"/> cross-claim                   |
| <input type="checkbox"/> motion                                | <input type="checkbox"/> counterclaim                  |
| <input type="checkbox"/> interrogatories                       | <input type="checkbox"/> request                       |
| <input type="checkbox"/> suggestions                           | <input type="checkbox"/> demand                        |
| <input type="checkbox"/> subpoena duces tecum                  | <input type="checkbox"/> default judgement             |
| <input type="checkbox"/> summons and complaint                 | <input type="checkbox"/> complaint                     |
| <input type="checkbox"/> 3rd party summons and complaint       | <input type="checkbox"/> notice of mechanic's lien     |
| <input type="checkbox"/> summons returned from post office     | <input type="checkbox"/> suggestee execution           |
| <input checked="" type="checkbox"/> 1 certified return receipt | <input type="checkbox"/> summons and amended complaint |



which was served on the Secretary at the State Capitol in her capacity as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of SCM, Inc. NOW: Redbank II, Inc..

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about these documents directly to the court or to the plaintiff's attorney, shown in the enclosed paper. Please do not call the Secretary of State's office.*

Sincerely,

Vicki Haught  
Manager

## UNITED STATES DISTRICT COURT

SOUTHERN

District of

WEST VIRGINIA

AMERICAN METALS & COAL  
INTERNATIONAL, INC.,  
a Delaware Corporation,  
Plaintiff,

v.

**THIRD PARTY SUMMONS IN A  
CIVIL ACTION**

Case Number: 2:05-0822

WHITE MOUNTAIN MINING CO., LLC  
a West Virginia Limited Liability Company,  
APACHE MINING CO, LLC  
a West Virginia Limited Liability Company,  
Defendants,

WHITE MOUNTAIN MINING CO., LLC  
a West Virginia Limited Liability Company,  
Third Party Plaintiff,

v.

AMERICAN METALS & COAL  
INTERNATIONAL, INC.,  
a Delaware Corporation,  
AMERICAN METALLURGICAL COAL  
SALES, L.L.C., a North Carolina  
Limited Liability Company, and  
SCM, INC., a corporation,  
Third Party Defendants.

To: SCM, INC.  
ONE ENERGY PLACE  
LATROBE, PA 15650

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY: Brian Glasser, Esq.,	DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY:
227 Capitol Street	John A. Rollins, Esq.
Charleston, WV 25301	Spencer D. Elliott, Esq.
	P. O. Box 1746
	Charleston, WV 25326

an answer to the third-party complaint which is served on you with this summons, within **20** days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties at this action must be filed with the clerk of the court within a reasonable period of time after service.

**Teresa L. Deppner, Clerk**

CLERK

DATE

**DEC 14 2005**

*Eugenia Berger*  
(By) DEPUTY CLERK

ACCEPTED FOR  
 SERVICE OF PROCESS  
 (1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

2005 DEC 14 PM 4:38

SECRETARY OF STATE  
 STATE OF WEST VIRGINIA

Address of Server

Signature of Server

Date

Executed on

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

# DECLARATION OF SERVER

TRAVEL

SERVICES

TOTAL

## STATEMENT OF SERVICE FEES

☐ Other (specify):

☐ Returned unexecuted:

Name of person with whom the summons and complaint were left:

☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

☐ Served personally upon the third-party defendant. Place where served:

Check one box below to indicate appropriate method of service

NAME OF SERVER

TITLE

Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

## RETURN OF SERVICE

umber



0 3901 9849 2368 4015

Type **CERTIFIED MAIL**

Delivery? (Extra Fee) ☐ Yes

Addressed to:

22

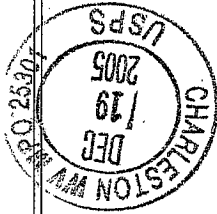
nc. NOW: Redbank II, Inc.  
 orporation System  
 x 951  
 ton, WV 25323

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) Paula Michael B. Date of Delivery

C. Signature Paula Michael ☒ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:



811, January 2005

Domestic Return Receipt